

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 11, 2023

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JASON W.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:22-cv-03153-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 11, 16

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 16, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney David Burdett represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will consider whether to issue an
8 immediate finding of disability. If the Appeals Council does not issue an
9 immediate finding of disability, the Appeals Council will instruct the ALJ to:

- 10 • Offer Plaintiff the opportunity for a new hearing;
- 11 • Reevaluate the opinion evidence;
- 12 • Reevaluate Plaintiff's residual functional capacity;
- 13 • Call a vocational expert and reevaluate step five;
- 14 • Complete the sequential evaluation process;
- 15 • Take further action to complete the administrative record resolving
16 the above issues; and
- 17 • Issue a new decision.

18 *See* ECF No. 16 at 1-2.

19 3. Judgment shall be entered for **PLAINTIFF**.

20 4. Plaintiff's Opening Brief, **ECF No. 11**, is **STRICKEN AS MOOT**.

1 5. Upon proper presentation, this Court will consider Plaintiff's application
2 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter**
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED May 11, 2023.

6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES DISTRICT JUDGE
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